

# Wetlands Bureau Decision Report

Decisions Taken  
02/09/2009 to 02/15/2009

## **DISCLAIMER:**

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

## **APPEAL:**

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Lawrence E. Morse, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

## MAJOR IMPACT PROJECT

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**2008-01797                      GRONDIN, CARYLYN**  
**PORTSMOUTH   Little Harbor**

### Requested Action:

Construct a tidal docking structure consisting of a 4' x 70' permanent pier connecting to a 3' x 36' ramp connecting to a 40' x 10' float, overall structure length 113', on 540' of frontage on Little Harbor.

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Inspection Date: 08/15/2008 by Dori A Wiggin

### APPROVE PERMIT:

Construct a tidal docking structure consisting of a 4' x 70' permanent pier connecting to a 3' x 36' ramp connecting to a 40' x 10' float, overall structure length 113', on 540' of frontage on Little Harbor.

### With Conditions:

1. All work shall be in accordance with plans by Pickering Marine dated 8/28/2008, as received by the Department on 9/4/2008, and per materials from Pickering Marine dated 12/19/2008 as received by DES on 12/23/2008.
2. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services ("DES") Wetlands Bureau.
3. This permit shall not be effective until recorded at the Rockingham County Registry of Deeds Office by the permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in until the area is stabilized.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Construction of this tidal docking structure consisting of a 4' x 70' permanent pier connecting to a 3' x 36' ramp connecting to a 40' x 10' float, overall structure length 113', on 540' of frontage on Little Harbor, shall be the only dock structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
7. Work shall be done during low tide.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
9. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.

### With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(a), projects in sand dunes, tidal wetlands, or bogs, except for the repair of existing structures pursuant to Wt 303.04(v).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. There is currently no docking structure on the property to provide access to the water.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03. The permanent pier is designed to be constructed to cross the tidal resource in the least-vegetated location. The ramp and floats are seasonal, and the structure is the minimum length necessary to reach usable water on Little Harbor, and is consistent with docks approved in the immediate vicinity.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project. Plant species of concern reported by the NH Natural Heritage Bureau as occurring in the greater project vicinity, are located well away from the proposed project location. Per statement dated 12/3/2008, NHFG Non-Game and Endangered Wildlife Program has determined that the state-endangered common tern is not expected to be impacted by this project. The NH Division of Ports and Harbors issued a statement dated 9/9/2008 indicating that

- the project did not represent discernable navigation issues. The dock is located greater than 20 feet off the abutting property lines.
5. The Portsmouth Conservation Commission recommends approval of the application.
  6. This application has received review of the federal PGP Joint Processing Meeting on 10/23/2008, and deemed eligible as proposed for PGP approval by the National Marine Fisheries ("NMFS").
  7. This dock is consistent with other tidal dock approvals in the seacoast.
  8. Based on DES staff field inspection on 8/15/2008, DES finds that the site is accurately represented in the application.

-Send to Governor and Executive Council-

**2008-01857                      NH DRED, BUREAU OF TRAILS**  
**JEFFERSON   Freshwater Marsh / Cherry Pond**

**Requested Action:**

Proposal to dredge and fill approximately 1500 sq. ft. of wetlands to replace existing trail culverts with spanning bridges and to construct two a beaver control structures (i.e., weirs) to keep beavers from blocking flows.

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**DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:**

Deny proposal to dredge and fill approximately 1500 sq. ft. of wetlands to replace existing trail culverts with spanning bridges and to construct two a beaver control structures (i.e., weirs) to keep beavers from blocking flows.

**With Findings:**

1. A request for additional information dated November 25, 2008, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3, requiring the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 482-A:3, XIV(a)(2), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

**2008-02016                      HOOKSETT, TOWN OF**  
**HOOKSETT   Unnamed Wetland Dalton Brook**

**Requested Action:**

Downstream abutter, Coastal Partners/Hooksett Land Development, LLC requested reconsideration of permit approval and requests that the permit be denied based impacts associated with the project to their property.

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**APPROVE RECONSIDERATION:**

Reconsider permit approval dated December 18, 2008 and deny permit to dredge and fill 6000 square feet along 350 linear feet of Dalton Brook further described as follows: Dredge the existing channel south of Benton Road to increase the hydrologic gradient of the stream, replace the existing 48-inch x 35 foot culvert with a 6-foot high x 10-foot wide x 35 feet long box culvert and relocate 180 linear feet of stream to improve the alignment and the hydrologic gradient.

**With Findings:**

1. On January 16, 2009 DES received a Motion for Reconsideration of DES permit issued on December 18, 2008.
2. The permit 2008-2016 authorized the request to dredge and fill 6000 sq. ft. along 350 linear feet of Dalton Brook to increase the hydrologic gradient of the stream, replace the existing 48-inch x 35 foot culvert with a 6 foot high x 10 foot wide x 35 feet long box culvert and relocated 180 linear feet of stream to "improve the alignment and the hydrologic gradient".
3. On January 16, 2009 Michael DiGuiseppe, Managing Partner, Hooksett Land Development, LLC (HLD) the owner of Hooksett Landing Shopping Center, the abutter to the subject property provided reasons in their reconsideration as follows:
  - "the peak flow downstream impacts have the potential to seriously impact the wetland on the HLD property resulting in the flooding the wetland area and the Detention Basin Outfall servicing the Shopping Center, Walgreen's and NH DOT Drainage

Easement."

- HLD has expressed its concern regarding the peak flow impact for well over twelve months to NHDES and the Town of Hooksett. The Town and the State have elected to disregard both our Engineers and HLD concerns regarding the potential impact.

4. In a letter dated December 15, 2008 RJ O'Connell & Associates Inc. on behalf of the abutter the engineering firm reviewed the proposed new crossing (marked "Exhibit A").

5. In Exhibit A it provides that "It is our understanding that a substantial increase in size of the culvert under Benton Road has been requested to alleviate significant flooding that occurs on properties upstream of the culvert and that calculations have been submitted showing that a 6' x 10' culvert is needed to convey the storm flow for storms up to the 100-year storm event. That is a five-fold increase in the size of the culvert and it will allow a substantial increase in the peak flow through the culvert. A substantial increase in the peak stormwater flows through my clients property could result in significant erosion of Dalton Brook stream banks due the winding nature of the brook through the property. In addition, there is an existing stormwater detention pond on the property at a low flat area of the site immediately adjacent to Dalton Brook."

6. An engineer in the Alteration of Terrain program reviewed the plan and confirmed the observations of RJ O'Connell & Associates.

7. RSA 482-A:11, II provides that "Decisions of the department or council under this chapter shall be consistent with the purposes of this chapter as set forth in RSA 482-A:1. ...No permit to dredge or fill shall be granted if it shall infringe on the property rights or unreasonably affect the value or enjoyment of property of abutting owners."

8. Because of these findings DES hereby reconsiders and denies the permit request.

**2008-02138 DE CAMPL, ROBIN**  
**DOVER Fresh Creek**

**Requested Action:**

Construct a tidal docking structure consisting of a 4' x 100' permanent pier connecting to a 3' x 27' ramp connecting to a 18' x 10' float, overall structure length 137', on 914' of frontage on Fresh Creek.

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Inspection Date: 01/15/2009 by Dori A Wiggin

**APPROVE PERMIT:**

Construct a tidal docking structure consisting of a 4' x 100' permanent pier connecting to a 3' x 27' ramp connecting to a 18' x 10' float, overall structure length 137', on 914' of frontage on Fresh Creek.

**With Conditions:**

1. All work shall be in accordance with plans by Waterfront Engineers dated 9/16/2008, as received by the Department on 10/2/2008.
2. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services ("DES") Wetlands Bureau.
3. This permit shall not be effective until recorded at the Strafford County Registry of Deeds Office by the permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in until the area is stabilized.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Construction of this tidal docking structure consisting of a 4' x 100' permanent pier connecting to a 3' x 27' ramp connecting to a 18' x 10' float, overall structure length 137', on 914' of frontage on Fresh Creek shall be the only dock structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
7. Work shall be done during low tide.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
9. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
10. The float stops shall be designed to maintain at least 18" of clearance between the substrate and the bottom of the float units.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(a), projects in sand dunes, tidal wetlands, or bogs, except for the repair of existing structures pursuant to Wt 303.04(v).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. There is currently no docking structure on the property to provide access to the water.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03. The permanent pier is designed to be constructed to cross the tidal resource in the least-vegetated location. The ramp and floats are seasonal, and the structure is the minimum length necessary to reach usable water on tidal Fresh Creek, and is consistent with docks recently approved in the immediate vicinity.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project. Per statement dated 12/30/2008, NHFG Non-Game and Endangered Wildlife Program had determined that the Bald Eagle will not be affected by this project. The project location is located over 2,000 ft. from the navigational channel close to the inland limit of navigation, and is not expected to have a negative effect on navigation. The dock is located greater than 20 feet off the abutting property lines.
5. The Dover Conservation Commission recommends approval of the application.
6. This application has received review of the federal PGP Joint Processing Meeting on 11/26/2008, and deemed eligible for PGP approval by the National Marine Fisheries ("NMFS"), with the addition of float stops, which have been included in the design and conditions.
7. This dock is consistent with other tidal dock approvals in the seacoast.
8. DES staff field inspection on 1/15/2009 found that the site is accurately represented in the application.

-Send to Governor and Executive Council-

**2008-02687                      TROENDLE TRUST, GLORIA**  
**ALTON   Lake Winnepesaukee**

Requested Action:

Modify an existing non-conforming "L" shaped breakwater connected to the shoreline and add a piling supported dock to create a conforming 49 ft breakwater in a "dogleg" configuration with a 6 ft gap at the shoreline connected to a 6 ft x 30 ft piling supported dock by a 12 ft x 6 ft walkway providing 2 slips on an average of 125 ft of frontage on Lake Winnepesaukee, Alton.

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Conservation Commission/Staff Comments:

Con Com has no concerns

APPROVE PERMIT:

Modify an existing non-conforming "L" shaped breakwater connected to the shoreline and add a piling supported dock to create a conforming 49 ft breakwater in a "dogleg" configuration with a 6 ft gap at the shoreline connected to a 6 ft x 30 ft piling supported dock by a 12 ft x 6 ft walkway providing 2 slips on an average of 125 ft of frontage on Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated November 25, 2008, as received by the Department on December 09, 2008
2. This permit shall not be effective until it has been recorded with the Belknap County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. These shall be the only structures on this water frontage and all portions of the structures, including the breakwater toe of slope, shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.

6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. No portion of breakwater as measured at normal full lake shall extend more than 50 feet from normal full lake shoreline.
8. The breakwater shall not exceed 3 feet in height(Elev. 507.32) over the normal high water line(Elev. 504.32).
9. The width as measured at the top of the breakwater(Elev. 507.32) shall not exceed 3 feet.
10. Rocks may not remained stockpiled on the frontage for a period longer than 60 days.
11. Photos showing that all construction materials have been removed from the temporary stockpile area shall be submitted to the Bureau upon completion of the docking facility.
12. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
13. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
14. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This project is classified as a major project per Rule Env-Wt 303.02(d), "construction or modification of major docking system defined by Env-Wt 101.53, and any dock adjacent or attached to a breakwater."
2. The modification of the non-conforming breakwater will create a breakwater that conforms to current DES breakwater rule Env-Wt 402.07.
3. The construction of a breakwater to provide safe docking at this site is justified in accordance with Rule Env-Wt 402.07, Breakwaters.
4. The applicant has an average of 125 feet of frontage along Lake Winnepesaukee, Alton.
5. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
6. The proposed docking facility will provide 2 slips as defined per RSA 482-A and therefore meets Rule Env-Wt 402.13.
7. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the resource, as identified under RSA 482-A:1.

-Send to Governor and Executive Council-

**MINOR IMPACT PROJECT**

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**2006-02733                      91 CALEF HIGHWAY LLC**  
**LEE   Unnamed Wetland**

Requested Action:

Approve name change to: 91 Calef Highway LLC,520 Providence Highway, Norwood, Ma 02062 per request received 2/5/2009.  
Previous owner Arista Dev. LLC

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APPROVE NAME CHANGE:

Dredge and fill approximately 15,100 square feet of wetlands on Lee Tax Map 4, Lot 7-2 (referred to as Phase I) and approximately 8,890 square feet of wetlands on Lee Tax Map 4, Lot 7-5 (referred to as Phase II) for the construction of a retail store during Phase I and a service interconnection during Phase II.

With Conditions:

1. All work shall be in accordance with plans by MHF Design Consultants, Inc. dated November 11, 2005 and 9-8-08, and as received by DES on October 16, 2006 and October 10, 2008.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. This approval is contingent on approval by the DES Alteration of Terrain Program.
4. This approval is contingent on receipt by DES of a one time payment of \$64,374.50 to the DES Aquatic Resource Mitigation (ARM) Fund. The payment shall be received by DES within 120 days of the date of the approval letter or the application will be denied.
5. The applicant shall be required to begin construction of the Phase II service inter connection within two years of the completion of the Phase I retail site.
6. The service interconnection shall be designed so that all lots currently fronting on NH Route 125 will have direct access to the service interconnection.
7. Lots identified as Map 4-7-2, Map 4-7-5, and Map 4-6-4 currently have legal access to NH Route 125. No future subdivided portions of these lots will be permitted direct access to NH Route 125.
8. The entire service interconnection and retail site shall be constructed so as to prevent any untreated runoff from entering the wetlands.
9. Salt shall not be used as a deicing agent on the service interconnection or retail site.
10. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
11. The deed which accompanies the sales transaction for any additional lots along the service interconnection shall contain condition #7 of this approval.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. The permittee shall coordinate with the NH Division of Historic Resources to assess and mitigate the project's effect on historic resources.
14. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
15. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the DES Alteration of Terrain Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
16. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
17. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
18. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
19. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
20. Silt fencing must be removed once the area is stabilized.
21. Work shall be done during low flow conditions.

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Env-Wt 502.02.

**2008-00829**                      **VIENNEAU, JAMES & MARY**  
**NEWFIELDS**   **Unnamed Wetland**

Requested Action:

Dredge and fill a total of 5,950 sq. ft. of wetlands over three locations for construction of roadway crossings for a 9-lot subdivision on 41.11 acres, including 1,950 sq. ft. of impact and installation of a 2'high x 4'wide x 35'long open bottom box culvert; 1,650 sq. ft.

of impact and installation of a 2'high x 4'wide x 35'long open bottom box culvert; and 2,350 sq. ft. and installation 2'high x 4'wide x 35'long open bottom box culvert.

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**APPROVE PERMIT:**

Dredge and fill a total of 5,950 sq. ft. of wetlands over three locations for construction of roadway crossings for a 9-lot subdivision on 41.11 acres, including 1,950 sq. ft. of impact and installation of a 2'high x 4'wide x 35'long open bottom box culvert; 1,650 sq. ft. of impact and installation of a 2'high x 4'wide x 35'long open bottom box culvert; and 2,350 sq. ft. and installation 2'high x 4'wide x 35'long open bottom box culvert.

**With Conditions:**

1. All work shall be in accordance with revised plans by Jones and Beach Engineers dated 1/14/2009, as received by DES on 1/16/2009.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #2 of this approval.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
5. This permit is contingent on approval by the DES Alteration of Terrain Program.
6. This permit is contingent on approval by the DES Subsurface Systems Bureau.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Work shall be done during low flow.

**With Findings:**

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), projects involving alteration of less than 20,000 sq. ft. in the aggregate of non-tidal wetlands that are not otherwise classified as minimum impact.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The applicant must cross wetlands at some location(s) to reach buildable uplands on the property.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The applicant has redesigned the subdivision and reduced the wetlands impact from 9,985 sq. ft. to 5,950 sq. ft., eliminated lots, and provided greater buffers in deeded open space between the developed area and the nearby exemplary natural community.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project. The applicant has addressed the concerns of the NH Natural Heritage Bureau regarding the nearby exemplary natural communities by providing 28 acres of conservation open space between the house lots and the natural communities; and has addressed the concerns of NH Fish & Game Department relative to Blandings and Spotted turtles by upgrading all culvert crossings to open bottom box culverts, and eliminating house and lot locations and curbing that where considered to have a negative impact to these species.
5. In a letter dated 1/7/2009, the Newfields Conservation Commission stated that they had reviewed the revised plan and found it to have less impact than the original design, and that the applicant had resolved the four specific comments the Commission had previously raised.

**2008-01231                      DUPUIS, MARCEL**  
**HOOKSETT   Merrimack River**

Requested Action:



Dredge and fill 4822 square feet along 192 linear feet along the bank of the Merrimack River further described as follows: Install a rip rap toe to 6 feet above the reference line (elevation 182), install biostabilization 8 feet above the rip rap to the top of bank(elevation 190), and install a 6 foot high x 8 foot long retaining wall in the bank above elevation 182 at the location of the existing structures. And install a 16-foot x 4-foot seasonal dock accessed by a 4 foot x 18-foot seasonal walkway in a "T" configuration extending no more than 22 feet into the water from the reference line on 230 feet of shoreline frontage Merrimack River, Hooksett.

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#### DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny request to dredge and fill 4822 square feet along 192 linear feet along the bank of the Merrimack River further described as follows: Install a rip rap toe to 6 feet above the reference line (elevation 182), install biostabilization 8 feet above the rip rap to the top of bank(elevation 190), and install a 6 foot high x 8 foot long retaining wall in the bank above elevation 182 at the location of the existing structures. And install a 16-foot x 4-foot seasonal dock accessed by a 4 foot x 18-foot seasonal walkway in a "T" configuration extending no more than 22 feet into the water from the reference line on 230 feet of shoreline frontage Merrimack River, Hooksett.

#### With Findings:

1. A request for additional information ("RFMI") dated September 16, 2008, addressed to the applicant and copied to the agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. The applicant provided additional information for the Department's review on January 20, 2009, the day after the 120 day deadline date.
3. The information provided includes a planting plan but it is unclear on the Latin or species of the proposed vegetation and does not take into account soil types or location on the landscape.
4. In the September 16, 2008, RFMI letter DES requested that the applicant consider phasing the project to smaller sections, the applicant did not address this issue.
5. In the September 16, 2008, RFMI letter DES requested information on how the site is to be accessed, where equipment will be located and how work will be accomplished. DES notes the narrative within the resubmitted information includes an access road however this is not depicted on the plans.
6. In the September 16, 2008, RFMI letter DES requested a letter of Authorization from PSNH as the proposed project is within the impoundment of their hydro-dam. This information has not yet been received.
7. In the September 16, 2008, RFMI letter DES requested all information required by Env-Wt 404.04 DES notes that there is no explanation why vegetative measures have been rendered impracticable.
8. Pursuant to RSA 482-A:3, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
9. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

**2008-01269                      MICUCCI, DONALD**  
**NORTHWOOD   Harvey Lake**

#### Requested Action:

Re-locate 4 rocks on the lakebed to create navigational space along 100 ft of frontage on Harvey Lake, in Northwood.

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#### APPROVE PERMIT:

Re-locate 4 rocks on the lakebed to create navigational space along 100 ft of frontage on Harvey Lake, in Northwood.

#### With Conditions:

1. All work shall be in accordance with plans by Michael Micucci dated January 05,2009, as received by DES on January 15, 2009.
2. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site

has returned to normal clarity.

4. Work shall be done during drawdown.

5. This permit allows for the re-location of 4 rocks only, no dredge of lake bed sediments is allowed by this permit.

6. No rocks shall be placed within the abutting 20 foot setback.

7. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(g), removal of no more than 20 cubic yards of rock, gravel, sand, mud, or other materials from public waters.

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

**2008-01289                      MON PLAISIR REALTY TRUST, MICHAEL & NINA EMELIANOF**  
**FREEDOM   Ossipee Lake**

Requested Action:

Expand an existing 363 sq ft dry storage boathouse to be a 900 sq ft dry storage boathouse on an average of 201 ft of frontage on Ossipee Lake, in Freedom.

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Conservation Commission/Staff Comments:

No comments from Con Com by Sept 18, 2008.

APPROVE PERMIT:

Expand an existing 363 sq ft dry storage boathouse to be a 900 sq ft dry storage boathouse on an average of 201 ft of frontage on Ossipee Lake, in Freedom.

With Conditions:

1. All work shall be in accordance with plans by Stoney Ridge Environmental dated October 09,2008, as received by DES on January 16, 2009 and cross section plans by John Neil as received by DES on July 11, 2008.

2. This permit shall not be effective until it has been recorded with the County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.

3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

4. Area shall be regraded to original contours following completion of work.

5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

8. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(a), Projects in any bank, flat, marsh, or swamp or in and adjacent to any waters of the state or within

100 feet of the highest observable tide line that do not meet any of the criteria of Env-Wt 303.02, Env-Wt 303.04 or Env-Wt 303.05.

2. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas

and environments under the department's jurisdiction per Env-Wt 302.03.

3. The proposed boathouse provides dry storage of boats and equipment.

**2008-01499                      HOLLINS, RICHARD & PAULA**  
**BOSCAWEN   Pond Brook**

**Requested Action:**

Retain 264 square feet of rip rap along 88 linear feet of perennial stream placed on the existing stream bank rocks to reduce flooding along the existing stream bank.

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**APPROVE AFTER THE FACT:**

Retain 264 square feet of rip rap along 88 linear feet of perennial stream placed on the existing stream bank rocks to reduce flooding along the existing stream bank.

**With Conditions:**

1. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
2. This permit is contingent upon the restoration approval including the removal of the top layer of stone to the level of the existing lawn and planting of the vegetative buffer along the stream edge.

**With Findings:**

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1); Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on August 15, 2008. Field inspection determined there were previously large stones at the base of the bank and the homeowner simply added to the height of the stones. He did not make land or encroach into the stream channel.
6. The proposal is to fill 440 cu ft of flood storage adjacent to the stream bank. However, the top of the stream bank elevation is not changing. In addition, there is a large wetland just downstream of this area that should be able to attenuate the new flows.
7. The proposal will not limit the ability of the stream to expand into the "yard floodplain" as the stones will be removed to the existing elevation of the lawn area.
8. The proposal should decrease the velocity of the waters at flood elevation as the proposed buffer planting area will increase the roughness of the floodplain area.
7. The stream bank was previously stone, the stone will only extend higher up the bank than previously existed.
8. The small culvert downstream of the site has been overtopped and there is evidence that someone has installed rip-rap and other stabilization methods. This must be addressed under a separate application.

**2008-01946                      BEDOR, JOEL & CATHERINE**  
**LITTLETON   Unnamed Wetland**

**Requested Action:**

Proposal to dredge and fill approximately 4372 sq. ft. of wetlands for construction of driveways to access two proposed residential lots.

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**DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:**

Deny proposal to dredge and fill approximately 4372 sq. ft. of wetlands for construction of driveways to access two proposed residential lots.

With Findings:

1. A request for additional information dated December 1, 2008, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3, requiring the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 482-A:3, XIV(a)(2), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

**2008-02371                      A & T FOREST PRODUCTS INC, AL STEVENS**  
**HENNIKER   Unnamed Stream**

Requested Action:

Dredge and fill/retain  $\pm$  659 square feet (70 linear feet) of intermittent stream and associated palustrine forested wetlands to install a 15-inch x 30-foot HDPE culvert and riprap and retain a 24-inch x 40- foot culvert (two crossings) for common driveway access to two (2) lots of a proposed 4-lot subdivision on  $\pm$  80.45 acres.

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APPROVE PERMIT:

Dredge and fill/retain  $\pm$  659 square feet (70 linear feet) of intermittent stream and associated palustrine forested wetlands to install a 15-inch x 30-foot HDPE culvert and riprap and retain a 24-inch x 40- foot culvert (two crossings) for common driveway access to two (2) lots of a proposed 4-lot subdivision on  $\pm$  80.45 acres.

With Conditions:

1. All work shall be in accordance with plans by Schauer Environmental Consultants, LLC dated January 21, 2009, as received by the Department on January 26, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition # 4 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
7. Work shall be done during low flow conditions.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Culverts shall be laid at original grade.
13. Culvert inlets and outlets shall match the natural grade of the stream channel.
14. The stream channel bed and culvert must maintain a consistent stream bed elevation and not impede stream flow.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
16. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. In corresponded dated November 19, 2008, the Henniker Conservation Commission stated a site walk was completed and the culverts were installed properly and mitigation was not required.
3. No comments were submitted from the Contoocook and North Branch Rivers LAC.
4. In correspondence dated December 22, 2009, the NH Division of Historical Resources (DHR) indicated there are no known properties of archeological significance within the projects vicinity.
5. No comments were submitted from the federal agencies, NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
6. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
7. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
8. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

## MINIMUM IMPACT PROJECT

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**2007-02608                      MORRIS, GLENN & SHERRY**  
**WOODSTOCK   Unnamed Wetland**

### Requested Action:

After-the-fact request to retain 900 sq. ft. of wetlands fill and an associated culvert for property access.

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### DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny after-the-fact request to retain 900 sq. ft. of wetlands fill and an associated culvert for property access.

### With Findings:

1. A request for additional information ("RFMI") dated August 13, 2008, addressed to the applicant clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A:3, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.
4. DES conducted a compliance inspection on October 9, 2008 as part of the RFMI and to address the outstanding Wetlands Bureau Complaint. Additional requirements and comments were given to the applicant in writing at the conclusion of the inspection.
5. The application has been referred to the Compliance Section for further follow-up.

**2007-02868                      BREMNER, JOSEPH & LINDA**  
**JAFFREY   Gilmore Pond**

### Requested Action:

Reconsider and approve permit to construct 4 ft x 20 ft seasonal docking structure on 118 feet of deeded frontage on Gilmore Pond.

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### APPROVE RECONSIDERATION:

Reconsider and approve reconsideration to construct 4 ft. x 20 ft. of a seasonal dock on 118 feet of frontage.

With Conditions:

1. All work shall be in accordance with plans as received by DES on June 20, 2008.
2. Seasonal piers shall be removed for the non-boating season.
3. This permit shall not be effective until it has been recorded with the Cheshire County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
4. This is the only dock that has been approved on this deeded frontage - any other structures on this frontage have not been reviewed or approved. Any other docks on the deeded frontage shall be removed prior to construction or installation of the new 4 ft x 20 ft seasonal pier authorized under this permit.

With Findings:

1. The Bremners have submitted deed and supporting information to show that they meet the definition of "applicant".
2. "Applicant" is defined as a person having an interest in the land on which a project is to be located that is sufficient for the person to legally proceed with the project who has applied for a permit, permit modification, waiver, or other approval pursuant to Env-Wt 200 through Env Wt 800, or the duly authorized agent of such a person.
3. The Bremners possess an exclusive easement conveyed by a grant over a portion of the Michele's property. The Bremner's deed includes the grant of an "easement concerning a certain portion of shore frontage situated on the westerly side of the Gilmore Pond and the easterly side of Gilmore Pond Road and states that the Bremners, as owners of the easement, "shall have the right under this easement to the exclusive use of said parcel of shore frontage for whatever purposes they may desire." The deed is recorded at the Cheshire County Registry of Deeds, Book 2177, Page 279.
4. The Bremner's application request to install a seasonal 6' x 20' dock at Tax map 227, Lot 34 on Gilmore Pond.
5. The deeded frontage is for approximately 118 feet.
6. The total fee frontage is approximately 690 feet.

**2008-01059                      GRANTHAM, TOWN OF**  
**GRANTHAM   Unnamed Stream**

Requested Action:

Abutter filed a motion for reconsideration of permit issued

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DENY RECONSIDERATION:

Dredge and fill approximately 2,240 sq. ft. of wetlands for construction of an access road around a proposed 14,500 sq. ft. of interior space addition at the existing Grantham Village School and to provide access to adjacent uplands on the school site. Work in wetlands consists of 2,054 sq. ft. of impact for side slope grading and filling for a new access road around the school addition and 186 sq. ft. of wetlands and associated intermittent stream impact for installation of wetlands crossing containing a 24 in. x 30 ft. HDPE culvert.

With Findings:

Grounds for Reconsideration:

1. The appellants allege: "The fill area will disturb more than 50 feet of an intermittent stream."
2. The appellants allege: "There was no site plan available at the time of the March 2008 local vote to appropriate \$7.4 million."
3. The appellants allege: "The school district did not yet own the land at the time of the vote."
4. The appellants allege: "They had no way to know if the proposed addition would require fill in the wetland or a CSPA Shoreland waiver to place this fill in the buffer zone."
5. The appellant alleges that "the adverse affect of allowing this permit is that we, other taxpayers, and the school board loose the benefits derived from the knowledge and experience of the scientists at the NH DES Wetlands Bureau, to rule that no more than 50

feet of an intermittent stream could be filled.

6. The appellant alleges that "Rescinding this permit will provide the school board opportunity to explore other locations on site that do not impact the wetland and buffer zone. Rescinding the permit will also allow time to fulfill the Expansion Steering Committee requirement to get cost comparisons (RFP Architectural Engineering Services 6/22/07)."

7. The appellant alleges that "The intermittent stream/wetland watercourse as shown on Turner Group SH 3, where the culvert is placed continues on around an area of prior fill (the parking lot), and then back towards Sawyer Brook. On drawing SH 3 it appears as a series of black dots that obscured by the fill area. The channel is more apparent on the existing conditions maps. This intermittent stream/wetlands water course was redirected when in 2007 when a pile of dirt was pushed into it at the site of the proposed garage. In the field this watercourse is now spread out due to the "dam" of dirt (see pictures and composite maps)".

8. The appellant alleges that "This permit needs to be rescinded due to the fact the proposed work affects more then [sic] 50 ft of an intermittent stream and its banks."

#### Findings of Fact:

1. RSA 482-A:10 provides that "any person aggrieved by a decision made by the department under RSA 482-A:3 or subject an order by the department may apply for reconsideration by the department.."

2. The McIntires have not demonstrated how they are aggrieved by the Department's permit. The McIntires are not abutters nor an applicant.

3. The issues raised by the motion were addressed at the local level which the appellant participated in.

4. The issues relating to appropriation of funding for the local school system and associated notification are not in the jurisdiction of the Department.

5. In the application requesting wetland impact it provides that "the project requires the addition of 14,500 sq.ft. of new interior space for the Grantham Village School to provide 8 classrooms at the greatest cost effectiveness and efficiency.

6. The application provides that "the redesign of the service road around the exterior of the building is required to provide emergency vehicle access and safe turning movements for school buses. The placement of the culvert at the northeast end of the parking area will provide access to a large upland area within the lot boundaries for future town needs."

7. Further it states that the "The Grantham School Board conducted extensive research and evaluated alternative locations and concepts to meet the town future needs for adequate space for elementary education. After conducting public meetings and review of alternatives it was determined that the existing school site was the most appropriate and cost efficient option proposed and a Warrant Article was passed at the Annual School District meeting on March 4, 2008 to authorize the funds.

8. The avoidance of the wetlands impacts was not possible because of the location of the existing school building and the requirement to provide a safe service road that will circle the entire building to provide emergency vehicles and school buses access.

9. The closed drainage system and water quality treatment system will be an improvement to the current sheet flow from impervious surfaces that presently exist.

cc: Oak Hill Environmental Services on Motion for Reconsideration and on Dept Decision on Reconsideration

**2008-01279 LANDMARK CAPITAL MANGEMENT LLC**  
**CLAREMONT Unnamed Wetland**

#### Requested Action:

Dredge and fill 1,479 sq. ft. of palustrine forested wetlands to install a 24-inch x 40-foot and 12-inch x 20-foot culvert (two

crossings) for driveway access to a single family residence  $\pm$  49.5.

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#### APPROVE PERMIT:

Dredge and fill 1,479 sq. ft. of palustrine forested wetlands to install a 24-inch x 40-foot and 12-inch x 20-foot culvert (two crossings) for driveway access to a single family residence  $\pm$  49.5.

#### With Conditions:

1. All work shall be in accordance with plans by Landmark Land Services, LLC dated June 2008, and revised though January 14, 2009, as received by the Department on January 16, 2009.
2. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
3. Work shall be done during low flow conditions.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters to prevent accidental encroachment on wetlands.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Culverts shall be laid at original grade.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

#### With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 sq. ft. of wetlands.
2. In correspondence dated July 22, 2008, the Claremont Conservation Commission submitted intent to intervene.
3. In correspondence dated August 25, 2008, the Claremont Conservation Commission expressed concerns regarding runoff, wetlands and the hardship that will be imposed on the subject parcel and abutting properties.
4. In the response received by DES on January 16, 2009, to the Request for More Information dated September 18, 2008, the Agent on behalf of the Applicant responded to the Claremont Conservation Commission (CCC) comments. The response indicated that a portion of the proposed driveway access to the 49.5 acre property will utilize an existing driveway and the proposed culverts have been oversized to reduce the impact of the current flow of water. The response also stated the owner/applicant met with the CCC onsite and the CCC requested that methods be used to maintain stability and reduce the flow velocity at the 24-inch culvert outlet. To accommodate this request, riprap has been added at the culvert outlet.
5. No comments were submitted from the federal agencies, the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
6. Alternative access ways have been reviewed and rejected due to topography, distance to public roads and the unwillingness of abutters to provide permission.
7. The subject parcel was created in a 1976 subdivision.
8. In correspondence dated February 10, 2009, a NH certified wetland scientist confirmed there are no wetlands within 100 feet of the proposed driveway and house site, excluding the wetland proposed for impact.
9. In a letter dated December 02, 2008, the CCC expressed concerns regarding onsite vernal pools and impacts from blasting.
10. In a letter dated February 09, 2009, the Agent confirmed blasting is not proposed and that the Agent is not aware of any vernal pools onsite.
11. The applicant has provided a waiver request per Env-Wt 204.03, to waive the written abutter permission requirement for projects within 20 feet of abutting property lines, as required by Env-Wt 304.04.
12. The proposed impacts will occur within 20 feet of three abutting properties, tax map/lot no.'s 71/1, 6 and 6-1. Lots 6 and 6-1



have the same owner.

13. The impacts proposed within the 20-foot setback will occur within an approximate 20-foot wide portion of the parcel that connects the buildable area to the town road, Thrasher Road.

14. The applicant has sent written requests for permission pursuant to Env-Wt 304.04 via certified mail to the affected abutters.

15. The owners of tax map/lots 71/6 & 6-1 responded that they do not provide permission.

16. The owners of tax map/lot 71/1 did not respond to the permission request.

17. The previous owner obtained an easement from the owners of tax map/lot no. 71/1 to utilize a portion of their driveway for access to the subject parcel in order to reduce the total impact to wetlands. Eliminating the remaining proposed impacts by extending the easement to the subject parcel was not possible because this alternative would impact existing lawn and reduce the well setback on tax map lot 71/1.

18. In correspondence dated January 15, 2009, a professional engineer stated if the culverts are properly maintained, neither culvert would lead to the backup of water onto abutting properties.

19. The Agent has indicated the wetlands within the right-of-way do not flow onto abutting properties

20. There will be no adverse effect to the environment or natural resources of the state, public health, or public safety; or on abutting properties that is more significant than that which would result from complying with the Env-Wt 304.04.

21. The waiver is granted in accordance with Env-Wt 204.04(b), as strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.

22. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

23. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

24. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2008-02332                      ROBINSON, GREGORY**  
**CARROLL   Unnamed Stream**

**Requested Action:**

Propose to dredge and fill 1,075 square feet of wetlands and 35 linear feet of an associated intermittent stream impact for construction of an access road to a proposed campground expansion. Work in wetlands consists of one wetlands crossing including an intermittent stream crossing with a 2'diameter by 35' length plastic culvert and associated filling and grading.

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**Conservation Commission/Staff Comments:**

No comments from Conservation Commission.

**APPROVE PERMIT:**

Dredge and fill 1,075 square feet of wetlands and 35 linear feet of an associated intermittent stream impact for construction of an access road to a proposed campground expansion. Work in wetlands consists of one wetlands crossing including an intermittent stream crossing with a 3'diameter by 35' length plastic culvert and associated filling and grading.

**With Conditions:**

1. All work shall be in accordance with plans by Presby Construction, Inc. revised 1/13/09, as received by DES on January 30, 2009.
2. Work shall be done during periods of non-flow.
3. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Culverts shall be laid at original grade.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
11. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
12. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
13. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
14. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a minimum impact project per 303.04(f) and 303.04(n): Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant; Projects that alter the course of or disturb less than 50 linear feet, measured along the thread of the channel, of an intermittent nontidal stream channel or its banks provided construction is performed during periods of non-flow.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. Project revisions increased the culvert size from 2' diameter to 3' diameter which is greater than 1.2 times the mean stream width.
6. Surface flow to be dispersed into adjacent vegetation for treatment prior to flowing into intermittent stream.
7. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, the Natural Heritage Bureau, or the Carroll Conservation Commission.
8. The applicant has indicated that the contiguous area of land alteration for the proposed campground expansion and access road is a total of 94,551 sq. ft.

**FORESTRY NOTIFICATION**

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**2009-00115                      MAXAM NORTHEAST (EPPX2)**  
**ORANGE   Unnamed Stream**

COMPLETE NOTIFICATION:  
Orange Tax Map 6, Lot# 5

**2009-00216                      BLAKE, BRIAN**  
**EPSOM   Unnamed Stream**

COMPLETE NOTIFICATION:  
Epsom Tax Map R11, Lot# 19 & 21

**2009-00217                      DEMISCH, JURGEN**  
**NOTTINGHAM   Unnamed Stream**

COMPLETE NOTIFICATION:  
Nottingham Tax Map 4, Lot# 2

**2009-00219                      HOMEMAKERS HEALTH SERVICES INC**  
**ROCHESTER   Unnamed Stream**

COMPLETE NOTIFICATION:  
Rochester Tax Map 243, Lot# 39 & 39A

**2009-00220                      CARR, KENNETH**  
**BARNSTEAD   Unnamed Stream**

COMPLETE NOTIFICATION:  
Barnstead Tax Map 2, Lot# 54

**2009-00229                      OSSIPEE, TOWN OF**  
**OSSIPEE   Unnamed Wetland**

COMPLETE NOTIFICATION:  
Ossipee Tax Map 16, Lot# 3

**2009-00230                      NEW FORESTRY LLC**  
**WASHINGTON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Washington Tax Map/Lot# 2/1, 3/4 & 5/1

**2009-00231                      LOVEQUIST, DAVE**  
**EATON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Eaton Tax Map R7, Lot# 19

**2009-00238                      MARKARIAN, ROBERT**  
**EPSOM   Unnamed Stream**

COMPLETE NOTIFICATION:  
Epsom Tax Map R10, Lot# 25

**2009-00239                      MCCANN, MARY**  
**HEBRON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Hebron Tax Map 2, Lot# 8

## EXPEDITED MINIMUM

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**2008-00343                      WARREN, ROBERT**  
**CARROLL   Unnamed Stream**

### Requested Action:

Amendment request to add an additional culvert crossing inadvertently left out of the original application.

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### Conservation Commission/Staff Comments:

1. The Conservation Commission signed the minimum impact expedited application waiving their right to intervene on the project.

### APPROVE AMENDMENT:

Dredge and fill approximately 1,916 sq ft. of wetlands for installation of three wetland crossings to provide an access trail for recreation and service access to wildlife openings and forest trails under the NRCS Wildlife Habitat Incentives Program (WHIP). Work in wetlands consists of installation of one crossing containing an 18 in. x 30 ft. HDPE culvert, associated dredging and filling, outlet protection and headwalls, installation of a second crossing containing two 18 in. x 30 ft. HDPE culverts associated dredging and filling, outlet protection and headwalls and installation of a third crossing containing an 18 in. x 30 ft. HDPE culvert associated dredging and filling, outlet protection and headwalls.

### With Conditions:

1. All work shall be in accordance with plans by U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) revision dated April 15, 2008, as received by DES on April 22, 2009 and plan sheet 7 of 7 dated November 17, 2008 and plan sheet 8 of 8 dated January 5, 2009, as received by DES on January 20, 2009.
2. Work shall be done during low flow.
3. The project shall be approved by NRCS before the start of work and monitored by NRCS until completed and fully stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require further approval by the Bureau.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

### With Findings:

DES reaffirms findings 1 through 6.

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 sq. ft. of swamp or wet meadow wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application

Evaluation, has been considered in the design of the project.

5. The proposed project is for recreation and service access for wildlife openings as part of the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS)

Wildlife Habitat Incentives Program (WHIP).

6. The project was designed by NRCS.

**2008-01318                      LITTLETON MASONIC TEMPLE ASSOC**  
**LITTLETON   Unnamed Wetland**

Requested Action:

Proposal to impact 150 sq. ft. of wetlands for the installation of a crossing for access to drill a well.

\*\*\*\*\*

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny proposal to impact 150 sq. ft. of wetlands for the installation of a crossing for access to drill a well.

With Findings:

1. A request for additional information dated August 14, 2008, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A:3, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

**2008-01467                      TAMWORTH, TOWN OF**  
**TAMWORTH   Swift River**

Requested Action:

Proposal to replace an existing drainage culvert in-kind.

\*\*\*\*\*

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny proposal to replace an existing drainage culvert in-kind.

With Findings:

1. A request for additional information dated September 5, 2008, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A:3, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

**2008-01890                      LORENZETTI, PAUL**  
**MANCHESTER   Drainage Swale**

Requested Action:

Proposal to dredge 2166 sq. ft. of wetlands and drainage swales to improve site drainage.

\*\*\*\*\*

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny proposal to dredge 2166 sq. ft. of wetlands and drainage swales to improve site drainage.

With Findings:

1. A request for additional information dated October 10, 2008, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3, requiring the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 482-A:3, XIV(b), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

**2008-02708                      DANIELS LAKE DEVELOPMENT CORPORATION**  
**WEARE   Unnamed Wetland**

Requested Action:

Dredge and fill  $\pm$  488 sq. ft. of palustrine forested wetlands to install an 18-inch x 20-foot ADS culvert for driveway access to a single lot of a proposed 4-lot subdivision on  $\pm$  256.1 acres (an undeveloped  $\pm$  217.6 acre parcel will remain).

\*\*\*\*\*

APPROVE PERMIT:

Dredge and fill  $\pm$  488 sq. ft. of palustrine forested wetlands to install an 18-inch x 20-foot ADS culvert for driveway access to a single lot of a proposed 4-lot subdivision on  $\pm$  256.1 acres (an undeveloped  $\pm$  217.6 acre parcel will remain).

With Conditions:

1. All work shall be in accordance with plans received by DES on December 15, 2008 and Subdivision Plans by Sanford Surveying and Engineering dated November 06, 2008, and revised through January 13, 2009, as received by DES on January 26, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition # 4 of this approval, except for the remaining  $\pm$  217.6 acre parcel.
6. The property owner of the remaining  $\pm$  217.6 acre parcel shall have the wetlands and surface waters on the lot delineated by a NH Certified Wetland Scientist prior to any future subdivision or alteration of wetlands or surface waters.
7. The deed which accompanies the sales transaction for the remaining  $\pm$  217.6 acre parcel shall contain condition #6 of this approval.
8. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
9. Work shall be done during low flow conditions.
10. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
11. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. Proper headwalls shall be constructed within seven days of culvert installation.
14. Culverts shall be laid at original grade.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
16. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 sq. ft. of wetlands.
2. The Conservation Commission signed the Minimum Impact Expedited Application.
3. No comments were submitted from the federal agencies.
4. In correspondence dated December 01, 2008, the Natural Heritage Bureau indicated the presence of the state endangered, brook floater in project vicinity.
5. In comments dated December 12, 2008, the NHFG Nongame and Endangered Wildlife Program stated, based on the location of the project, impacts to the brook floater. Cluster development away from the large wetland complex was suggested, to preserve associated upland habitat and maintain a wildlife corridor.
6. The request for project review by the NH Division of Historical Resources (DHR) received by DES on January 02, 2009 stated the project area is extremely sensitive for archeological records and surveys are required before an informed comment can be made.
7. This permit is conditioned that the permittee shall coordinate with the NH Division of Historic Resources to assess and mitigate the project's effect on historic resources.
8. The subject parcel is bisected by the Middle Branch Piscataquog River and Meadow Brook and significant wetlands.
9. The area of proposed development is south of the Middle Branch Piscataquog River and Meadow Brook and significant wetlands.
10. The January 26, 2009, submittal stated that, "Because there is no access to the remaining upland other than with significant wetland impact, there are no plans for future development beyond this four-lot subdivision." The applicant also indicated that future development of the remaining  $\pm 217.6$  acre parcel possible would only be possible if access was obtained through an abutting property.
11. The applicant has provided a waiver request per Env-Wt 204.03, to waive the wetland delineation over the remaining  $\pm 217.6$  acre parcel as required by Env-Wt 304.09(a).
12. A Certified Wetland Scientist has reviewed tax maps, soil Maps, USGS Topographical Maps and provided a conceptual plan with approximate locates of open water and wetlands.
13. The applicant has had a Certified Wetland Scientist field delineate the area of the proposed residential subdivision.
14. It would be an economic hardship for the owner to have the entire  $\pm 217.6$  acre parcel delineated in the field.
15. If any additional work is to be conducted on the  $\pm 217.6$  acre parcel a site delineation will be required per condition #6 of this approval.
16. There will be no adverse effect to the environment or natural resources of the state, public health, or public safety; or on abutting properties that is more significant than that which would result from complying with the Env-Wt 304.09(a).
17. The waiver is granted in accordance with Env-Wt 204.04(b), as strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.
18. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
19. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
20. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2009-00074                      PETERSON BUILT HOMES LLC, JAMES  
PELHAM   Unnamed Wetland**

**Requested Action:**

Dredge and fill 965 square feet of forested wetland to provide access to buildable upland by installing a 73-inch by 55-inch steel pipe on a residential lot of 4.379 acres as part of a 2-lot subdivision of 16.812 acres.

\*\*\*\*\*

**Conservation Commission/Staff Comments:**

The Pelham Conservation Commission signed the Minimum Impact Expedited Application.

**APPROVE PERMIT:**

Dredge and fill 965 square feet of forested wetland to provide access to buildable upland by installing a 73-inch by 55-inch steel pipe on a residential lot of 4.379 acres as part of a 2-lot subdivision of 16.812 acres.

**With Conditions:**

1. All work shall be in accordance with plans by Edward N. Herbert Assoc., Inc. dated February 2008 and revised June 25, 2008, as

received by DES on January 16, 2009.

2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
4. Work shall be done during seasonal low flow conditions.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Topsoil in wetlands shall be stripped and segregated from subsoil during construction of the wetlands crossing. Once installed, the bottom of culvert shall be back filled with the stockpiled wetlands soil per the approved plan.
7. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
8. No fill shall be done for lot development.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet of forested wetland.
2. The impacts are necessary to gain access to buildable upland; therefore, the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**PERMIT BY NOTIFICATION**

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**2008-02345                      ANDERSON, MARJORIE**  
**BRIDGEWATER   Newfound Lake**

Requested Action:

Repair or replace and existing retaining wall.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed PBN application on Oct 02, 2008

PBN DISQUALIFIED:

Repair or replace and existing retaining wall.

With Findings:

1. The applicant failed to respond to a Notice of Incomplete Permit by Notification letter dated October 31, 2008, within 20 days pursuant to Env-Wt 100-800.

**2009-00208                      DAY, ROBERT**  
**UNITY   Little Sugar River**



Requested Action:

Disqualify permit by notification to dredge and fill 300 sq. ft. of Little Sugar River bed and bank to construct poured-in-place concrete abutments for construction of a 16-foot x 50-foot I-beam bridge for access to a ± 88 acre parcel.

\*\*\*\*\*

PBN DISQUALIFIED:

Disqualify permit by notification to dredge and fill 300 sq. ft. of Little Sugar River bed and bank to construct poured-in-place concrete abutments for construction of a 16-foot x 50-foot I-beam bridge for access to a ± 88 acre parcel.

With Findings:

1. This project does not meet the criteria of NH Administrative Rules Env-Wt 506.01(a)(1) through (14), Projects Qualifying for Permit by Notification, and therefore the notification has been disqualified.
2. Pursuant to Env-Wt 506.04 (c), A permit issued pursuant to the permit by notification procedure for projects classified under Env-Wt 303.04(z) and Env-Wt 303.04(ae) involving stream impacts, the proposed project shall only impact intermittent streams as defined in Env-Wt 101.48.
3. The Permit by Notification application also lacked an abutters list, tax map with property owners names labeled, a useable USGS topographical map, Natural Heritage Bureau letter, abutter permission for jurisdictional impacts within 20 feet of abutting property lines (Env-Wt 304.04) and clarification of bridge use and proposed development of the subject parcel.

**2009-00221 PSNH**  
**WEARE Unnamed Stream**

Requested Action:

Temporarily impact 50 sq. ft. of intermittent stream to remove debris and repair a damaged stone box culvert along Mountain Road (class VI) for access to a PSNH transmission line right-of-way.

\*\*\*\*\*

PBN IS COMPLETE:

Temporarily impact 50 sq. ft. of intermittent stream to remove debris and repair a damaged stone box culvert along Mountain Road (class VI) for access to a PSNH transmission line right-of-way.

With Findings:

1. This project meets the criteria of NH Administrative Rule Env-Wt 506.01(a)(7), The maintenance, repair, or replacement of a nondocking structure that meets the criteria in Env-Wt 303.04(x).
2. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
3. The Town of Weare is the owner and PSNH is the applicant. The PBN was signed by the Town of Weare Selectboard Chairperson.

**CSPA PERMIT**

\*\*\*\*\*

**2008-01881 BURKE, KEVIN M & DEANA L**  
**MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Approve name change to Kevin M. & Deana L Burke per request received 2/10/2009. Previous owner: Charles Parckard

\*\*\*\*\*

**APPROVE NAME CHANGE:**

Impact 16,441 sq ft to replace a single family dwelling, construct a new garage, patios, expanded driveway access, and complete landscaping.

**With Conditions:**

1. All work shall be in accordance with plans by DMC Surveyors dated August 21, 2008 and received by the Department of Environmental Services ("DES") on September 9, 2008.
2. No more than 17.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. At least 9,667 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas to remain unaltered and wetlands.

**With Findings:**

1. This permit transfer is issued in accordance with NH Administrative Rule Env-Wt 502.02.

**2008-02653                      JOHNSON, SHARON**  
**BELMONT   Winnisquam Lake**

**Requested Action:**

Impact 1,817 sq ft for the purpose of constructing a parking lot with pervious pavement.

\*\*\*\*\*

**APPROVE PERMIT:**

Impact 1,817 sq ft for the purpose of constructing a parking lot with pervious pavement.

**With Conditions:**

1. All work shall be in accordance with plans by Thomas Varney dated November 24, 2008 and received by the Department of Environmental Services ("DES") on December 8, 2008.
2. No more than 0.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters,

all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

7. There shall be no impacts to native vegetation associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).

8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-00003                      LEHMAN, THOMAS & CAROLYN**  
**BARNSTEAD   Half Moon Lake**

**Requested Action:**

Impact 1,040 sq ft for the purpose of replacing the pier foundation of an existing single family dwelling with concrete foundation, constructing a deck and a retaining wall.

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**APPROVE PERMIT:**

Impact 1,040 sq ft for the purpose of replacing the pier foundation of an existing single family dwelling with concrete foundation, constructing a deck and a retaining wall.

**With Conditions:**

1. All work shall be in accordance with plans by Thomas C. Lehman dated December 17, 2008 and received by the Department of Environmental Services ("DES") on January 2, 2009.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
3. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
4. No more than 8.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. The project as proposed will leave approximately 1,200 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 965 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-00043                      GANNON, NORMA**  
**ALTON   Lake Winnepesaukee**

**Requested Action:**

Impact 3,300 sq ft for the purpose of constructing a 1-1/2 story single family dwelling with deck and walkway.

\*\*\*\*\*

**APPROVE PERMIT:**

Impact 3,300 sq ft for the purpose of constructing a 1-1/2 story single family dwelling with deck and walkway.

**With Conditions:**

1. All work shall be in accordance with plans by Leo Dumont revised February 4, 2009 and received by the Department of Environmental Services ("DES") on February 5, 2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. No more than 20% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. The project as proposed will leave approximately 2,150 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,362.5 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-00072                      1992 MARTIN MEADOW POND IRREVOCABLE TRUST, C/O EMI  
LANCASTER   Martin Meadow Pond**

**Requested Action:**

Impact 462 sq ft for the purpose of extending an existing parking area, adding a retaining wall and installing an electrical conduit to the existing single family dwelling.

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**APPROVE PERMIT:**

Impact 462 sq ft for the purpose of extending an existing parking area, adding a retaining wall and installing an electrical conduit to the existing single family dwelling.

**With Conditions:**

1. All work shall be in accordance with plans by Emilie Burack revised February 9, 2009 and received by the Department of Environmental Services ("DES") on February 9, 2009.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
3. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No more than 16.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless

additional approval is obtained from DES.

7. The project as proposed will leave approximately 7,988 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 6,202 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).

8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

## CSPA PERMIT W/VARIANCE

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**2008-02828                      SINGER, CHARLES/KAREN**  
**WAKEFIELD   Pine River Pond**

### Requested Action:

Impact 4,391 sq ft to build a 3 bedroom house, septic, well, driveway and 6 ft path on previously undeveloped lot.

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### APPROVE PERMIT:

Impact 4,391 sq ft to build a 3 bedroom house, septic, well, driveway and 6 path on previously undeveloped lot.

VARIANCE APPROVED: RSA 483-B:9(c)(2)(A)(1) To allow the construction of the leaching portion of a septic system within the 125 ft setback despite a percolation rate faster than 2 minutes per inch.

### With Conditions:

1. All work shall be in accordance with plans by Land Tech Service Corp. dated January 23, 2009 and received by the Department of Environmental Services ("DES") on January 26, 2009.
2. This approval includes a variance of RSA 483-B:9(c)(2)(A)(1) and, therefore, shall not be effective until it has been recorded at the Carroll County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 9.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 11,328 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 6,789 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

### With Findings:

1. The septic system is proposed to be installed within the 125 foot septic setback to Pine River Pond in Wakefield and therefore fails to conform to a minimum standard set forth in RSA 483-B:9, V of the Comprehensive Shoreland Protection Act.
2. In accordance with RSA 483-B:9, V(g), "the commissioner shall have the authority to grant variances from the minimum

standards of this section. Such authority shall be exercised subject to the criteria which govern the grant of a variance by a zoning board of adjustment under RSA 674:33, I(b)."

3. A special condition of the land coupled with the septic setback would prohibit the property owner from installing a new septic system.
4. The proposed project will not injure the public or private rights of others.
5. Granting the variance will do substantial justice by allowing the property owner to maintain and enjoy a significant property right while upholding the spirit of the CSPA and preserving the private rights and interests of the public.

## CSPA PERMIT W/WAIVER

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**2008-01714                      NICHOLS, GEORGE**  
**CONTOOCOOK   Contoocook River**

### Requested Action:

Impact 1,664 sq ft to expand an existing nonconforming primary structure on property with approximately 202 ft of frontage on the Contoocook River in Contoocook.

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### APPROVE PERMIT:

Impact 1,664 sq ft to expand an existing nonconforming primary structure on property with approximately 202 ft of frontage on the Contoocook River in Contoocook.

WAIVER APPROVED: RSA 483-B:9,II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

### With Conditions:

1. All work shall be in accordance with building plans by Kristin Wolfe dated August 12, 2008 and received by the Department of Environmental Services ("DES") on August 25, 2008 and stormwater control plans by Kristin Wolfe received by DES on February 10, 2009.
2. This approval includes a waiver of the minimum primary building setback set forth in RSA 483-B:9,II(b). This permit shall not be effective until it has been recorded with the Merrimack County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. No more than 5.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 11,728 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 6,247.5 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. This permit is contingent on approval by the DES Subsurface Systems Bureau.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

### With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to the Contoocook River and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to install stormwater controls on the existing primary structure as well as the proposed expansion, as specified on stormwater control plans by Kristin Wolf received by DES on February 10, 2009.
4. The applicant has proposed to install stormwater controls, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

**2008-02044**

**DONOVAN, TIMOTHY**

**ACWORTH Crescent Lake**

**Requested Action:**

Impact 6,996 sq ft to remove a shed, outhouse, and trailer, renovate an existing residential structure, and expand it to add a kitchen, mudroom, and garage, and construct a gazebo, patio, and enlarge the driveway.

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**APPROVE PERMIT:**

Impact 6,996 sq ft to remove a shed, outhouse, and trailer, renovate an existing residential structure, and expand it to add a kitchen, mudroom, and garage, and construct a gazebo, patio, and enlarge the driveway.

**WAIVER APPROVED:** RSA 483-B:9,II,(b) is waived to allow the expansion of a primary structure located, in part, within the primary building setback.

**With Conditions:**

1. All work shall be in accordance with plans by Five Eagles Design dated August 9, 2008 and received by the Department of Environmental Services ("DES") on January 19, 2009.
2. No more than 14.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The existing shed, outhouse, and trailer shall be removed from the property prior to the expansion of the existing primary structure.
4. No portion of the proposed structure will be closer to the reference line than the existing non conforming structure.
5. Lake side existing porch can be screened but not insulated.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**With Findings:**

1. The existing non-conforming structure is located within the 50 ft primary building setback to Crescent Lake and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the Commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The project as proposed would result in storm water management, plantings in the waterfront buffer, and decreasing impervious surfaces within the waterfront buffer.

4. The applicant has proposed to install drip edges, demolish a structure within the waterfront buffer, and plant blueberry bushes in the waterfront buffer, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

**2008-02081                      WINDLER TRUST, CHRISTINE**  
**NEWBURY   Lake Sunapee**

**Requested Action:**

Impact 4, 854 sq ft to remove a garage and replace an existing non-conforming dwelling, septic system and driveway.

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**APPROVE PERMIT:**

Impact 4, 854 sq ft to remove a garage and replace an existing non-conforming dwelling, septic system and driveway.

**WAIVER APPROVED:** RSA 483-B:9, II(b) is waived to allow the replacement of a non-conforming structure that encroaches on the primary building setback.

**With Conditions:**

1. All work shall be in accordance with building plans and stormwater control plans by Blakeman Engineering, Inc. dated January 30, 2009 and received by the Department of Environmental Services ("DES") on January 30, 2009 and planting plans by Blakeman Engineering, Inc. received by DES on September 29, 2009.
2. This approval includes a waiver of the minimum primary building setback set forth in RSA 483-B:9, II(b). This permit shall not be effective until it has been recorded with the Merrimack County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. No more than 21.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 1,254 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,188 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. The property shall maintain at least 50 points of vegetation per 50 ft shoreline segment (as described in RSA 483-B:9V(a)), or pro rated for partial segments, upon completion of the project.
6. Proposed plantings shall consist of native vegetation.
7. This permit is contingent on approval by the DES Subsurface Systems Bureau.
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
10. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**With Findings:**

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Sunapee and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to increase the setback of the primary structure from the reference line by at least 5 ft.
4. The applicant has proposed to treat stormwater runoff from at least 1,155 sq ft of impervious surface with a proposed rain garden.
5. The applicant has proposed to revegetate the footprint of the previously existing primary structure with Low bush Blueberry.
6. The project as proposed would result in an increased setback of the primary structure from the reference line, improved



stormwater treatment, and an enhanced vegetated buffer, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

**2008-02711                      BRODEUR, ANITRA**  
**WINDHAM   Seavey Pond**

**Requested Action:**

Impact 6,500 sq feet for the purpose of removing two existing nonconforming primary structures and installing a single, more nearly conforming primary structure.

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**APPROVE PERMIT:**

Impact 6,500 sq feet for the purpose of removing two existing nonconforming primary structures and installing a single, more nearly conforming primary structure.

**WAIVER APPROVED:** RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

**With Conditions:**

1. All work shall be in accordance with plans by Benchmark Engineering Inc, dated July 14, 2008 and received by the Department of Environmental Services ("DES") on December 15, 2008.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 22% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 950 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 943 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Silt fencing must be removed once the area is stabilized.
13. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.

**With Findings:**

1. The existing non-conforming structure is located within the 50 ft primary building setback to Seavey Pond and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."

3. The applicant has proposed to decrease the total imperviousness of the lot within the protected shoreland by 850 sq ft.
4. The applicant has proposed to install drywells to better manage stormwater.
5. The applicant has proposed to increase the setback of the primary structure from the reference line by approximately 12 feet.
6. The applicant has proposed to install a new NH DES Subsurface Bureau approved wastewater treatment system behind the 150 foot natural woodland buffer.
7. The applicant has proposed to decrease the overall impervious area within the protected shoreland, increase the primary structure setback from the reference line, install stormwater controls, install a new septic system, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

**2008-02712                      LAKE SHORE PARK ASSOC, ALAN KIRKMAN, DIRECTOR**  
**GILFORD Lake Winnepesaukee**

Requested Action:

Impact 866 sq ft for the purposes of modifying seven existing residential sites within the Lakeshore Park Association.

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APPROVE PERMIT:

Impact 866 sq ft for the purposes of modifying seven existing residential sites within the Lakeshore Park Association.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback and RSA 483-B:9 V (g) is waived to allow the expansion of structures that exceed the 30% impervious surface limitation.

With Conditions:

1. All work shall be in accordance with plans by Berry Surveying and engineering, dated December 2, 2008 and received by the Department of Environmental Services ("DES") on December 15, 2008.
2. This approval includes a waiver of RSA 483-B:9, II (b) and RSA 483-B:9 V (g), therefore, shall not be effective until it has been recorded at the Belknap County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 32.46% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. The project as proposed will leave approximately 321,661 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 264,767 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The existing structures located within the protected shoreland adjacent to Lake Winnepesaukee exceed 30% total impervious coverage and, therefore, fails to conform to the impervious surface limitation set forth in RSA 483-B:9, V(g), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to remove approximately 350 sq ft of impervious surface coverage within the waterfront buffer of the protected shoreland.
4. The applicant has proposed to enhance the natural woodland buffer by planting additional vegetation as indicated on a planting plan.
7. The applicant has proposed to enhance the waterfront buffer and the natural woodland buffer and, therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

**2009-00007                      KING, DONALD**  
**MILAN   Cedar Pond**

**Requested Action:**

Impact 2,260 sq ft for the purpose of demolishing an existing nonconforming primary structure and reconstructing a more nearly conforming primary structure.

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**APPROVE PERMIT:**

Impact 2,260 sq ft for the purpose of demolishing an existing nonconforming primary structure and reconstructing a more nearly conforming primary structure.

**WAIVER APPROVED:** RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

**With Conditions:**

1. All work shall be in accordance with plans created by Donald King, dated December 24, 2008 and received by the Department of Environmental Services ("DES") on January 5, 2009.
2. This approval includes a waiver of RSA 483-B:9, II (b) and RSA 483-B:9 V(g) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 31.06% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 3,575 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 3,575 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing

season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

12. Silt fencing must be removed once the area is stabilized.

13. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Cedar Pond and consists of greater than 30% impervious surfaces within the protected shoreland and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), and the impervious surface limitations of RSA 483-B:9 V (g) of the CSPA.

2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."

4. The applicant has proposed to decrease the total impervious area of the lot within the protected shoreland.

6. The applicant has proposed to install a new NH DES Subsurface Bureau approved wastewater treatment system with a greater setback compared to the existing system.

7. The applicant has proposed to install a new septic system and reduce the total amount of impervious surface coverage within the protected shoreland, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.